

REMARKS

This Response is filed in reply to the Office Action dated November 25, 2003, which is an Election/Restriction. The issues of the November 25, 2003 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraph 1: The Examiner provides five (5) inventions as follows:

Group I, claims 1-24, drawn to a system for soft tissue reconstructive surgery, classified in class 606, subclass 139;

Group II, claims 25-36, drawn to a method for soft tissue reconstruction, classified in class 128, subclass 898;

Group III, claims 37 and 38, drawn to a soft tissue fastener, classified in class 606, subclass 213;

Group IV, claim 39, drawn to a method of surgical paravaginal repair, classified in class 128, subclass 834; and

Group V, claim 40, drawn to a method for diagnosing a pelvic floor defect, classified in class 128, subclass 830.

In Response, Applicants provisionally elect, with traverse, Group IV, claim 39, and provisionally withdraw claims 1-38 and 40. Applicants do not deem further election of a species applicable with respect to claim 39. It is respectfully submitted that examination of all claims simultaneously would place no undue burden on the Examiner, as examination of the claims of Groups I-III and V necessarily entail a search of the subject matter of Group IV. Accordingly, Applicants submit that the examination of Groups I-V together present no significant burden over the examination of Group IV alone, as all groups include features of soft tissue reconstruction systems and methods.

With regard to the Office Action, paragraph 8: Applicants do not deem further election of a species applicable with respect to claim 39.

Claim 39 has been amended such that the paravaginal repair comprises, among other things, approximating the superior and/or inferior lateral sulci to the lateral pelvic sidewall

without exposing the lateral pelvic sidewall through a surgical incision. The amendment to claim 39 is not deemed to affect the Examiner's grouping of the claims.

With regard to the Office Action, paragraph 9: Applicants provisionally elect Group IV, with traverse, as provided herein, and acknowledge Examiner's comments regarding inventorship. A copy of the Petition to Correct Inventorship accompanies this Response, removing Dave Whipple as an inventor for the subject Application, in that Dave Whipple is not a co-inventor of claim 39.

Conclusion

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1175.

Respectfully submitted,

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